



STATE OF WISCONSIN

Assembly Journal

Ninety-Fifth Regular Session

10:00 A.M.

TUESDAY, February 5, 2002

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Pro Tempore Freese in the chair.

Representative Foti asked unanimous consent for a quorum call. Granted.

A quorum was present.

The prayer was offered by Principal Sharon Wimer of St. Joseph's Catholic School in Dodgeville.

Representative Kreuser led the membership in reciting the pledge of allegiance to the flag of the United States of America.

SPECIAL GUEST

Representative Freese introduced Kindergarten through 8th grade students from St. Joseph's Catholic School in Dodgeville, who sang "God Bless the U.S.A." in the Chambers. The students and members of the Assembly honored those individuals killed in Operation Enduring Freedom: October 10, 2001, Air Force Master Sergeant Evander Earl Andrews, 36, from Solon, Maine, killed in a heavy-equipment accident in the northern Arabian peninsula; October 19, 2001, Army Rangers Private First Class Kristofor Stonesifer, 28, from Doylestown, Pennsylvania, and Specialist Jonn J. Edmunds, 20, from Cheyenne, Wyoming, both killed in a crash of a Black Hawk helicopter in Pakistan; November 7, 2001, Sailor Bryant L. Davis, 20, from Chicago, Illinois, declared dead after he fell overboard from an aircraft carrier in the Arabian Sea; November 25, 2001, CIA officer Johnny "Mike" Spann, 32, from Winfield, Alabama, killed by rioting prisoners at Mazar-e-Sharif and the first American killed in action in Afghanistan; November 29, 2001, Private Giovany Maria, 19, from New York, New York, shot to death in Uzbekistan, where about 1,000 members of the Army's 10th Mountain Division were stationed, officials say the death is under investigation and not result of enemy action; December 5, 2001, Staff Sergeant Brian "Cody" Prosser, 28, from Frazier Park, California; Master Sergeant Jefferson Donald Davis, 39, from Watauga, Tennessee; and Sergeant 1st Class Daniel Petithory, 32, from Cheshire, Massachusetts, killed in Afghanistan when a U.S. bomb missed its target; January 4, 2002, Army Sergeant 1st Class Nathan Ross Chapman, 31, from San Antonio, Texas, killed in vicinity of Khost, near the Pakistan border and the first U.S. soldier killed

by the enemy; January 9, 2002, Captain Matthew W. Bancroft, 29, from Redding, California; Captain Daniel G. McCollum, 29, from Irmo, South Carolina; Gunnery Sergeant Stephen L. Bryson, 36, from Montgomery, Alabama; Staff Sergeant Scott N. Germosen, 37, from New York, New York; Sergeant Nathan P. Hays, 21, from Wilbur, Washington; Lance Corporal Bryan P. Bertrand, 23, from Coos Bay, Oregon; and Sergeant Jeannette L. Winters, 25, from Gary, Indiana, all Marines who were killed in the crash of a tanker plane into a mountain in Pakistan; and January 20, 2002, Staff Sergeant Walter F. Cohee III, 26, from Wicomico, Maryland, and Sergeant Dwight J. Morgan, 24, from Mendocino, California, both Marines killed when their CH-53E Super Stallion helicopter crashed while on a resupply mission and five other Marines were injured in the crash.

Speaker Jensen in the chair.

SPECIAL GUEST

Representative Olsen introduced Miss Wisconsin, Laura Herriot, from Princeton, who addressed the members from the rostrum and sang "God Bless America."

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Hahn, Hebl, Hines, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Wood, Young, Ziegelbauer and Speaker Jensen – 97.

Absent with leave – Representatives Gundrum and Williams – 2.

Vacancies – None.

LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for today's session for Representative Gundrum. Granted.

Representative Bock asked unanimous consent for a leave of absence for today's session for Representative Williams. Granted.

AMENDMENTS OFFERED

Assembly amendment 2 to **Assembly Bill 650** offered by joint committee on **Finance**.

Assembly amendment 1 to **Assembly Bill 729** offered by Representative Walker.

Assembly amendment 1 to **Assembly Bill 754** offered by Representatives Gronemus and Hines.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 90

Relating to: policy of executive branch consultation with tribal governments.

By Joint Legislative Council.

To committee on **Government Operations**.

Assembly Joint Resolution 91

Relating to: state recognition of the sovereign status of federally recognized American Indian tribes and bands.

By Joint Legislative Council.

To committee on **Government Operations**.

Assembly Joint Resolution 92

Relating to: honoring the mighty 8th Air Force.

By Representatives Wieckert, Suder, Boyle, Miller, Nass, Ryba, Musser, Krawczyk, Urban, Turner, J. Lehman, McCormick, Freese, Townsend, Owens, Petrowski, Schooff, Lassa, Vrakas, Gunderson, Ott, Coggs and Gundrum; cosponsored by Senators Moen, Moore, Rosenzweig, Burke, Grobschmidt, Darling, Erpenbach, George, Kanavas, Wirch, S. Fitzgerald, Roessler and Lazich.

To committee on **Rules**.

Assembly Joint Resolution 93

Relating to: the life and public service of former Wisconsin Congressman Henry S. Reuss.

By Representatives Krug, Bock, Vrakas, Sinicki, Kestell, Pocan, Lippert, Montgomery, Black, Young, Berceau, Urban, Carpenter, Richards, J. Lehman, Owens, Gunderson, Miller, Jeskewitz, Stone, Ladwig, Coggs and Wasserman;

cosponsored by Senators Burke, Plache, Rosenzweig, Grobschmidt and Risser.

To committee on **Rules**.

Assembly Bill 771

Relating to: creation of the Wisconsin tribal-state council and making an appropriation.

By Joint Legislative Council.

To committee on **Government Operations**.

Assembly Bill 772

Relating to: preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians.

By Joint Legislative Council.

To committee on **Government Operations**.

Assembly Bill 773

Relating to: representations made regarding wild rice sold or offered for sale in this state, granting rule-making authority, and providing a penalty.

By Joint Legislative Council.

To committee on **Agriculture**.

COMMITTEE REPORTS

The joint committee on **Finance** reports and recommends:

Assembly Bill 650

Relating to: merger and conversion of business entities, exemptions from securities registration requirements and licensing requirements for securities broker-dealers and securities agents, registered agents for business entities, filing of documents relating to certain business entities, administrative dissolution of business entities, amended certificates of authority for certain foreign business entities, granting rule-making authority, and making an appropriation.

Assembly amendment 2 adoption:

Ayes: 15 – Representatives Gard, Kaufert, Hoven, Duff, Ward, Huebsch and Huber; Senators Burke, Decker, Shibilski, Plache, Wirch, Baumgart, Darling and Rosenzweig.

Noes: 0.

Passage as amended:

Ayes: 15 – Representatives Gard, Kaufert, Hoven, Duff, Ward, Huebsch and Huber; Senators Burke, Decker, Shibilski, Plache, Wirch, Baumgart, Darling and Rosenzweig.

Noes: 0.

To committee on **Rules**.

JOHN GARD

Assembly Chairperson

Joint committee on Finance

Speaker Pro Tempore Freese in the chair.

Representative Vrakas asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

10:42 A.M.

RECESS

12:10 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

CALENDAR OF TUESDAY, FEBRUARY 5

Assembly Resolution 31

Relating to: the life and public service of Professor Joel Carl Welty.

The question was: Shall **Assembly Resolution 31** be adopted?

Motion carried.

Assembly Resolution 47

Relating to: celebrating February 6, 2002, as Ronald Reagan Day in the state of Wisconsin.

Representative Ott asked unanimous consent to be made a coauthor of **Assembly Resolution 47**. Granted.

The question was: Shall **Assembly Resolution 47** be adopted?

Motion carried.

Assembly Joint Resolution 80

Relating to: congratulating the chancellor, faculty, staff, and students of the University of Wisconsin–Stout on the receipt of the Malcolm Baldrige National Quality Award.

The question was: Shall **Assembly Joint Resolution 80** be adopted?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 80** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 89

Relating to: declaring February African–American History and Cultural Heritage Month.

Representative Ott asked unanimous consent to be made a coauthor of **Assembly Joint Resolution 89**. Granted.

The question was: Shall **Assembly Joint Resolution 89** be adopted?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 89** be immediately messaged to the Senate. Granted.

Senate Joint Resolution 37

Relating to: Gary Watchke's retirement following an exemplary career as a legislative analyst in the service of the Wisconsin legislature.

The question was: Shall **Senate Joint Resolution 37** be concurred in?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 37** be immediately messaged to the Senate. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 93** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 93

Relating to: the life and public service of former Wisconsin Congressman Henry S. Reuss.

The question was: Shall **Assembly Joint Resolution 93** be adopted?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 93** be immediately messaged to the Senate. Granted.

Assembly Bill 552

Relating to: regional emergency response team requirements.

The question was: Shall **Assembly Bill 552** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 552** be given a third reading. Granted.

The question was: **Assembly Bill 552** having been read three times, shall the bill be passed?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 552** be immediately messaged to the Senate. Granted.

Assembly Bill 578

Relating to: access for sheriffs and jailers to reports regarding the competency of criminal defendants.

The question was: Shall Assembly amendment 1 to **Assembly Bill 578** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 578** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 578** be given a third reading. Granted.

The question was: **Assembly Bill 578** having been read three times, shall the bill be passed?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 578** be immediately messaged to the Senate. Granted.

Assembly Bill 608

Relating to: providing material support of international terrorism and providing a penalty.

The question was: Shall Assembly amendment 1 to **Assembly Bill 608** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 608** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 608** be given a third reading. Granted.

The question was: **Assembly Bill 608** having been read three times, shall the bill be passed?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 608** be immediately messaged to the Senate. Granted.

Assembly Bill 613

Relating to: expanding definition of racketeering activity to include certain violations of prohibition against unauthorized release of animals, and providing a penalty.

The question was: Shall **Assembly Bill 613** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 613** be given a third reading. Granted.

The question was: **Assembly Bill 613** having been read three times, shall the bill be passed?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 613** be immediately messaged to the Senate. Granted.

Assembly Bill 635

Relating to: threatening to infect livestock or wild deer with a contagious or infectious disease and providing penalties.

The question was: Shall Assembly amendment 1 to **Assembly Bill 635** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 635** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 635** be given a third reading. Granted.

The question was: **Assembly Bill 635** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Hahn, Hebl, Hines, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Wood, Young, Ziegelbauer and Speaker Jensen – 97.

Noes – None.

Absent or not voting – Representatives Gundrum and Williams – 2.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 635** be immediately messaged to the Senate. Granted.

Assembly Bill 686

Relating to: infecting animals with a contagious disease and providing a penalty.

The question was: Shall Assembly amendment 1 to **Assembly Bill 686** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 686** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 686** be given a third reading. Granted.

The question was: **Assembly Bill 686** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Hahn, Hebl, Hines, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Wood, Young, Ziegelbauer and Speaker Jensen – 97.

Noes – None.

Absent or not voting – Representatives Gundrum and Williams – 2.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 686** be immediately messaged to the Senate. Granted.

Assembly Bill 704

Relating to: proclaiming Purple Heart Day.

Representative Ott asked unanimous consent to be made a coauthor of **Assembly Bill 704**. Granted.

Representative Foti asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Bill 704**. Granted.

Representative Foti asked unanimous consent that **Assembly Bill 704** be laid on the table. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 364** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Senate Bill 364

Relating to: proclaiming Purple Heart Day.

Representative Foti asked unanimous consent that all members of the Assembly be added as cosponsors of **Senate Bill 364**. Granted.

The question was: Shall **Senate Bill 364** be ordered to a third reading?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 364** be given a third reading. Granted.

The question was: **Senate Bill 364** having been read three times, shall the bill be concurred in?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 364** be immediately messaged to the Senate. Granted.

Assembly Bill 743

Relating to: the statewide trauma system and making appropriations.

The question was: Shall **Assembly Bill 743** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 743** be given a third reading. Granted.

The question was: **Assembly Bill 743** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Hahn, Hebl, Hines, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Wood, Young, Ziegelbauer and Speaker Jensen – 97.

Noes – None.

Absent or not voting – Representatives Gundrum and Williams – 2.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 743** be immediately messaged to the Senate. Granted.

Assembly Bill 212

Relating to: participation in the programming of a youth report center as a condition of a juvenile disposition, sanction, deferred prosecution agreement or consent decree.

The question was: Shall Assembly amendment 1 to **Assembly Bill 212** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 212** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 212** be given a third reading. Granted.

The question was: **Assembly Bill 212** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Hahn, Hebl, Hines, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Wood, Young, Ziegelbauer and Speaker Jensen – 97.

Noes – None.

Absent or not voting – Representatives Gundrum and Williams – 2.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 212** be immediately messaged to the Senate. Granted.

ANNOUNCEMENTS

Representative Coggs asked unanimous consent that the Assembly adjourn in honor of Poet Langston Hughes who would have turned 100 this month. Granted.

Representative Riley asked unanimous consent that the Assembly adjourn in honor of Doctor Howard Fuller, former Superintendent of Milwaukee Public Schools, for a successful recovery from surgery. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of “Jimmy the Groundhog” from Sun Prairie. Granted.

Representative Montgomery asked unanimous consent that the Assembly adjourn in honor of Errett “Monty” Montgomery, who will be having surgery today. Granted.

VISITORS

During today’s session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Job Shadow Adam Fritsch Jr. from Wabeno High School, guest of Representative Seratti.

The daughter-in-law of former Representative Mike Early, Edna Early from New Richmond, guest of Representative Rhoades.

Michelle Scheel, Nicole Veenendahl, Ben Cernohous, Scott Anderson, Julia Jilek and Edna Early, from WITC New Richmond Campus, guests of Representative Pettis.

Chief Holtz, Rich Kinkade, Joe Tiller, Steve Dahlgren, and James Spencer-Ira, from the Madison Fire Department; and Jayne Meyer, Regional Haz-Mat Team Coordinator, guests of Representative Gunderson.

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 9:30 A.M. on Thursday, February 7.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

12:40 P.M.